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Is Your Business Complying with Website and Email Laws?

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Many small businesses aren't aware of the laws regulating their electronic presence. This alert covers just a few of the legal issues that may arise in connection with your company's website and commercial emails.

While privacy policies are not generally required for websites, if your site has one, it is important that you comply with it. Also remember that you cannot retroactively make your privacy policies less restrictive. If you collect information under an older, more restrictive policy, you cannot then use that information simply by changing your privacy policy and claiming that the new applies to material previously collected. All policy changes should apply only to the future. That is, only information you collect after a policy change can be used in accordance with the new policy; information collected before the policy change must be used in accordance with the old policy.

You are required to have a privacy policy on your site if your website is targeted to kids under 13, or if you are knowingly collecting personal information from kids under 13. That policy must comply with the Children's Online Privacy Protection Act (COPPA). With few exceptions, you also need to be sure that you obtain verifiable parental consent before collecting personally identifiable information from children under the age of 13. Note that COPPA applies to social networks and mobile apps as well as to websites. More information about how to comply with COPPA can be found at: <http://business.ftc.gov/privacy-and-security/children%E2%80%99s-online-privacy>

Another very important law is the CAN-SPAM Act, which requires those who send commercial emails to have a way recipients can opt out of receiving those emails in the future. When you send emails, do you have an opt-out link? If so, does it work? This law has other requirements as well. You can obtain more information about the CAN-SPAM act at:

<http://business.ftc.gov/documents/bus61-can-spam-act-compliance-guide-business>

Please feel free to <http://www.dubofflaw.com/> if you have any questions about the above issues or other legal issues relating to your website and marketing emails.